

Entered - 02/02/01 - sb  
CL01L0083 - DIANNE C. MITCHELL

CLAIM OF: MARTA  
2424 Piedmont Road  
Atlanta, Georgia 30324-3330

01-*R*-0277

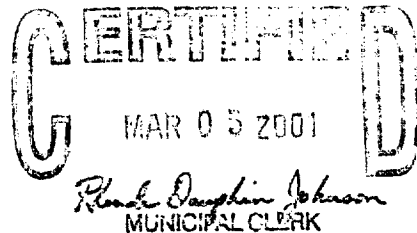
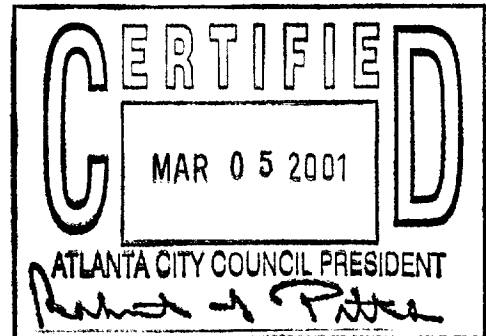
For damages alleged to have been sustained as a result of a vehicular accident on September 17, 1999 at Metropolitan Parkway and Cornell Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert N. O'Connell*

ADVERSED BY  
CITY COUNCIL MAR 05 2001

ADVERSE REPORT  
COM. *P. S. L. A*  
DATE *2/27/01*  
CHM *C. T. Martinez*  
*Michael B. ...*  
*Dany Albit*  
*Clara Wenzler*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

March 14, 2001

MARTA  
Office of Risk Management  
Attn: Sylvia Crisp  
2424 Piedmont Rd., NE  
Atlanta, GA 30324-3300

01-R-0277

Dear Ms. Crisp:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0083

Date: February 8, 2001

Claimant /Victim MARTA

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 2424 Piedmont Avenue, NE, Atlanta, Georgia 30324-3330

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 256.01 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/11/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/17/99 Place: Metropolitan Parkway and Cornell Boulevard

Department Police Division: \_\_\_\_\_

Employee involved N. S. Holmes Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that the City driver caused a collision that resulted in damage to its vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

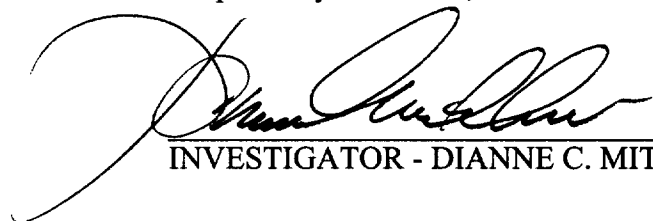
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 02-08-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

January 10, 2001

City of Atlanta Risk Management  
Attention: City Attorney  
68 Mitchell Street, S.W. Ste 9100  
Atlanta, Georgia 30335

Our Claim # : 0-4701F03  
Date of Accident: 09/17/99  
Insured: City of Atlanta  
Policy #: unknown

ENTERED - 2-2-01 - SB  
01L0083 - DIANNE MITCHELL

*Mitchell*

02/01/01

*De*



Dear Sir/Madam:

Enclosed are the following documents which support MARTA's property damage claim as referenced above.

I Police Report: Enclosed ☒ Not Enclosed ☐  
II Repair costs to bus: 1838

Please forward your check in the amount of \$256.01 for payment of MARTA's property damage claim. Please do not place full release language on the check. MARTA will only accept property damage checks with property damage only release language. All other checks will be returned.

Please make the check payable to MARTA and mail to my attention at the following address:

MARTA  
Office of Risk Management  
Attn: Sylvia Crisp  
2424 Piedmont Road, N.E.  
Atlanta, Georgia 30324-3300

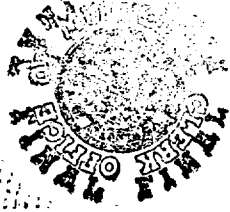
Sincerely,

*Sylvia Crisp*

Sylvia Crisp  
Claims Adjuster I  
(404) 848-4524

01-R-0277

2424 Piedmont Road Atlanta, Georgia 30324-3330 (404) 848-5000



RCS# 2689  
3/05/01  
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas	<b>ITEM (S) REMOVED FROM CONSENT AGENDA</b> 01-O-0240 01-R-0307 01-R-0346
Y Starnes	Y Woolard	NV Martin	Y Emmons	
Y Bond	Y Morris	B Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 01-O-0179
  2. 01-O-0348
  3. 00-O-1657
  4. 01-O-0355
  5. 01-O-0152
  6. 01-R-0190
  7. 01-R-0349
  8. 01-R-0351
  9. 01-R-0290
  10. 01-R-0304
  11. 01-R-0305
  12. 01-R-0369
  13. 01-R-0370
  14. 01-R-0297
  15. 01-R-0300
  16. 01-R-0298
  17. 01-R-0299
  18. 01-R-0251
  19. 01-R-0252
  20. 01-R-0253
  21. 01-R-0254
  22. 01-R-0255
  23. 01-R-0256
  24. 01-R-0257
  25. 01-R-0258
  26. 01-R-0259
  27. 01-R-0260
  28. 01-R-0261
  29. 01-R-0262
  30. 01-R-0263
  31. 01-R-0264
  32. 01-R-0265
  33. 01-R-0266
  34. 01-R-0267
  35. 01-R-0268
  36. 01-R-0269
  37. 01-R-0291
  38. 01-R-0292
- 

**ITEMS ADVERSE  
ON CONSENT AGENDA**

39. 01-R-0270
40. 01-R-0271
41. 01-R-0272
42. 01-R-0273
43. 01-R-0274
44. 01-R-0275
45. 01-R-0276
46. 01-R-0277
47. 01-R-0278
48. 01-R-0279
49. 01-R-0280
50. 01-R-0281
51. 01-R-0282
52. 01-R-0283
53. 01-R-0284
54. 01-R-0285
55. 01-R-0286
56. 01-R-0287
57. 01-R-0288
58. 01-R-0289